

## Chapter 17

### FENCES AND WALLS\*

- Art. I. In General, §§ 17-1—17-17  
Art. II. Dangerous, Restricted Fences, §§ 17-18—17-23

#### ARTICLE I. IN GENERAL

##### **Sec. 17-1. Definition.**

For the purpose of this chapter, a “fence” shall be taken to mean any masonry wall, wire or wood pickets, woven wire or solid boards, constructed in a manner to enclose a lot or a plot of ground, or erected in a manner to separate the lot from another lot or from a street or alley. (Code 1959, § 11-6(a))

##### **Sec. 17-2. Partition fences to be jointly erected and maintained.**

All partition fences shall be made and kept in good repair by the proprietors of the ground on each side at their joint expense; provided, that the ground on each side shall be enclosed, used or occupied. (Code 1959, § 11-1)

##### **Sec. 17-3. When adjoining owner to contribute to existing fence.**

If any person shall enclose ground adjoining that already enclosed, whereby he shall be benefited by any fence before erected, he shall pay therefor a just and reasonable compensation, regard being had to the condition of the fence at the time. (Code 1959, § 11-2)

##### **Sec. 17-4. Location of party fences; disputes as to location.**

All party fences shall be erected on or as near the division line as possible. If any difference shall arise concerning the line on which a fence may have been or is about to be erected, either party may cause such line to be marked off by any licensed engineer, on giving at least twenty-four (24) hours' notice to the other parties interested, or to their agents, and the licensed engineer shall measure and lay off the line in dispute, and mark the same by a ground mark, the expense whereof shall be equally borne by the parties interested. (Code 1959, § 11-3)

##### **Sec. 17-5. Failure to maintain fences.**

If any person, whose duty it shall be to make or keep in good repair any fence or part of a fence, shall refuse or neglect so to do for five (5) days after request being made by the other party interested, or his agent, then it shall be lawful for the party so making request as aforesaid to make or repair the whole fence, or part of a fence, and to recover one-half the expense thereof from the person so refusing or neglecting; provided, that any fence erected under authority of this section shall conform to the provisions of chapter 11 and shall be at the expense of the party making such addition thereto; and, provided further, that the expense of making such fence shall not exceed fifty cents (\$0.50) per lineal foot, except by consent of the parties aforesaid. (Code 1959, § 11-4)

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\***Charter reference**—Authority of council to regulate the erection of party walls and fences, § 38(19).

**Cross references**—Building, Ch. 11; planning, Ch. 30; streets and sidewalks, Ch. 35; zoning, Ch. 35.1.

**State law reference**—Division fences, Code of Virginia, § 55-317 et seq.

**Sec. 17-6. Injury or destruction by part owner of fence.**

If any person interested in any party fence shall take down, injure or destroy the same, or if the same be done by his tenants, servants or persons in his employ, without the consent of the other party interested, except as provided for in section 17-5, he shall replace such fence at his own proper cost; but, if he neglects or refuses to do so for five (5) days after request being made by the other party interested, or his agent, then it shall be lawful for the party so making the request to make or repair the whole fence or part of a fence, and to recover the expense thereof from the person so neglecting or refusing. (Code 1959, § 11-5)

**Sec. 17-1—17-17. Reserved.****ARTICLE II. DANGEROUS, RESTRICTED FENCES****Sec. 17-18. Height in front yards.**

No fence over four (4) feet in height shall be erected on the front yard of a residence or between the front yards of residences within the city unless the fence be of a nature that does not obstruct the view from either side. (Code 1959, § 11-6(b))

**Sec. 17-19. Corner lots.**

No fence shall be constructed on a corner lot when such fence will obstruct the view of traffic; provided, however, that this provision shall not apply to fences around business buildings or manufacturing or industrial plants when such fence is located in a business "B-5", manufacturing "M" or industrial "I" zone, as defined in the zoning ordinance. (Code 1959, § 11-16(c))

**Sec. 17-20. Barbed wire.**

Barbed wire shall not be used in the construction of any fence unless such wire is at least seven (7) feet above the adjacent ground level. (Code 1959, § 11-6(d))

**Sec. 17-21. Pointed fences.**

No pointed fence shall be erected within the city which shall be a hazard to the public safety. (Code 1959, § 11-6(e))

**Sec. 17-22. Electrically charged fence.**

No electrically charged fence shall be erected or maintained within the city. (Code 1959, § 11-6(f))

**Sec. 17-23. Retaining walls.**

Retaining walls shall be adequately designed and drained so as to resist all lateral pressure to which they may be subject. (Code 1959, § 11-6(g))